United Nations A/HRC/33/L.25

General Assembly

Distr.: Limited
26 September 2016

Original: English

Human Rights Council
Thirty-third session
Agenda item 5
Human rights bodies and mechanisms

Australia,* Colombia,* Costa Rica,* Cyprus,* Denmark,* Estonia,* Finland,* Greece,* Guatemala,* Haiti,* Honduras,* Mexico, Panama, Peru,* Philippines, Spain,* United States of America:* draft resolution

33/... Expert Mechanism on the Rights of Indigenous Peoples

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming its support for the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in its resolution 61/295 of 13 September 2007,

Recalling all Commission on Human Rights and Human Rights Council resolutions on human rights and indigenous peoples, in particular Council resolution 6/36 of 14 December 2007, in which the Council decided to establish the Expert Mechanism on the Rights of Indigenous Peoples,

Reaffirming General Assembly resolution 69/2 of 22 September 2014, in which the Assembly adopted the outcome document of the high-level plenary meeting of the Assembly known as the World Conference on Indigenous Peoples, and taking note of the report of the Secretary-General on the progress made in the implementation of the outcome document,[1]

Bearing in mind Human Rights Council resolution 30/11 of 1 October 2015, in which the Council requested the Office of the United Nations High Commissioner for Human Rights to convene an expert workshop to review the mandate of the Expert Mechanism, and welcoming the productive discussions held at workshop on 4 and 5 April 2016, as reflected in the report of the Office of the High Commissioner,[2]

Mindful of the work being undertaken on indigenous issues by other bodies in the United Nations system and regional human rights systems,

* State not a member of the Human Rights Council.

[1] A/70/84-E/2015/76.

[2] A/HRC/32/26.

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1. *Decides* to *amend* the mandate of the Expert Mechanism on the Rights of Indigenous Peoples, which shall provide the Human Rights Council with expertise and advice on the rights of indigenous peoples as set out in the United Nations Declaration on the Rights of Indigenous Peoples, and assist Member States upon request, to achieve the ends of the Declaration through the promotion, protection and fulfilment of the rights of indigenous peoples;

2. *Decides* that the Expert Mechanism shall:

(*a*) Prepare an annual study on the status on the rights of indigenous peoples worldwide in the achievement of the ends of the Declaration, focusing on one or more interrelated articles of the Declaration, decided by the Expert Mechanism, taking into consideration suggestions received from Member States and indigenous peoples, including challenges, good practices and recommendations;

(*b*) Identify, disseminate and promote good practices and lessons learned regarding the efforts to achieve the ends of the Declaration, including through reports to the Human Rights Council on this matter;

(*c*) Upon request, assist Member States and or indigenous peoples in identifying the need for and providing technical advice regarding the development of domestic legislation and policies relating to the rights of indigenous peoples, as relevant, which may include establishing contacts with other United Nations agencies, funds and programmes;

(*d*) Provide Member States, upon their request, with assistance and advice for the implementation of recommendations made at the universal periodic review and by treaty bodies, special procedures or other relevant mechanisms;

(*e*) Upon the request of Member States, indigenous peoples and/or the private sector, engage and assist them by facilitating dialogue, when agreeable to all parties, in order to achieve the ends of the Declaration;

3. *Also decides* that the Expert Mechanism shall report at least once a year to the Human Rights Council on its work, and keep the Council fully informed of developments on the rights of indigenous peoples;

4. *Further decides* that the Expert Mechanism shall consist of seven independent experts, one from each of the seven indigenous sociocultural regions[1] the selection of which shall be carried out in accordance with the procedure and criteria for nominating, selecting and appointing mandate holders established by the Human Rights Council in paragraphs 39 to 53 of the annex to its resolution 5/1 of 18 June 2007;

5. *Decides* to introduce staggered terms for the membership of the Expert Mechanism, considering the need to secure continuity in its functioning;

6. *Strongly recommends* that, in the selection and appointment process, the Human Rights Council give due regard to the recognized competence and experience in the rights of indigenous peoples, experts of indigenous origin, and gender balance;

7. *Decides* that the members of the Expert Mechanism shall serve for a three-year term, and may be reappointed for one additional term;

8. *Also decides* that, within its mandate, the Expert Mechanism shall determine its own methods of work, although the Expert Mechanism may not adopt resolutions or decisions;

[1] Africa, Asia, Central and South America and the Caribbean, the Arctic, Central and Eastern Europe, Russian Federation, Central Asia and Transcaucasia, North America, and the Pacific.

9. *Further decides* that, within its mandate, the Expert Mechanism may seek and receive information from all relevant sources as necessary to fulfil its mandate;

10. *Decides* that, within its mandate, the Expert Mechanism shall coordinate its work and further strengthen its participation, engagement and cooperation, as appropriate, with the Permanent Forum on Indigenous Issues, the Special Rapporteur on the rights of indigenous peoples, the United Nations Voluntary Fund for Indigenous Peoples and other United Nations bodies and processes;

11. *Encourages* the Expert Mechanism to enhance its engagement with national human rights institutions, which should be in accordance with the mandates of each national human rights institution;

12. *Decides* that the Expert Mechanism shall meet annually for up to five days, and that the sessions may be a combination of open and private meetings, as deemed necessary;

13. *Also decides* that the annual meeting of the Expert Mechanism shall be open to the participation, as observers, of States, United Nations mechanisms, bodies and specialized agencies, funds and programmes, intergovernmental organizations, regional organizations and mechanisms in the field of human rights, national human rights institutions and other relevant national bodies, academics and experts on indigenous issues, and non-governmental organizations in consultative status with the Economic and Social Council; the meeting shall also be accessible to indigenous persons with disabilities and open to indigenous peoples' organizations and non-governmental organizations whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996, through an open and transparent accreditation procedure, in accordance with the rules of procedure of the Human Rights Council, which will provide for timely information on participation and consultation with the States concerned;

14. *Further decides* that the Expert Mechanism may also hold intersessional meetings and activities for five days a year, and invites it to use information and communication technologies to advance its work;

15. *Decides*, in order for the Expert Mechanism to enhance cooperation and avoid duplicating the work of the Special Rapporteur on the rights of indigenous peoples and the Permanent Forum, that it shall participate in the activities of the Permanent Forum, and invite the Special Rapporteur and a member of the Permanent Forum to attend and contribute to its annual meeting;

16. *Invites* the special procedures of the Human Rights Council to explore concrete ways to coordinate their work with the Expert Mechanism with regard to the rights of indigenous peoples;

17. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all human, technical and financial assistance necessary for the Expert Mechanism to fulfil its mandate fully and effectively.